

CORPORATIONS SAY TRANSIT MEASURE IS UNFAIR TO THEM

Best Answer Possible Is
Given to Contrary Cry of
Hylan's Cohorts.

ALREADY PROTESTING
City Is Doubly Protected at
Least Three Times on
Rate Changes.

CAN'T DEFY COMMISSION

Tammany Blocks Printing of
Copies of Bill, Fearing
Publicity Test.

Special Despatch to THE NEW YORK HERALD,
New York Herald Bureau,
Albany, Feb. 19.

Answer to the charge made by the
Tammany-Hylan propagandists in
New York that Gov. Miller's transit
bill is drawn in the interest of the
corporations is found in the protest
coming from the companies. Their
first careful reading of the bill, re-
leased yesterday to the public, has
convinced the corporations that they
are getting the worst end of the bar-
gain at every point.

Not only is the city fully protected
by general provisions in the measure
but doubly to safeguard the public,
the language of the bill specifically
places the burden of proof for all rate
changes squarely on the corporations.
In every instance where provision is
made for touching rates, whether of
railroad or gas companies, the new
law lays the duty on the corporation
to prove beyond all question that the
proposed increase or decrease is abso-
lutely necessary and provides a series
of modifications and conditions which
do not leave a loophole of escape to
the company which might try to put
over something on the city.

Further study of the bill shows the
remarkable thoroughness with which
the Governor and his associates have

covered every point and every possible
contingency which might arise. It now
develops that the commission may even
impose the surpluses raised through an
increased rate pending final determina-
tion of whether the company actually
needs the money.

General Complaints Barred.
The State can compel the corporation
to specify the exact purpose for which
funds derived from an increase are to
be used. A company cannot go before
the commission with a general com-
plaint that it is hard up and must have
more money.

Just how and where the money is to
be spent must be shown and then the
commission can hold down the corpora-
tion to using the funds as specified. If
it should develop the money was not
needed for the purposes specified the
commission may impose the sum and
turn it back to the State.

The commission will not have all the
trouble experienced by similar bodies in
New York during the last ten years
when starting in search of information
officials of the interborough and other
transit companies have got the habit
of refusing to answer questions asked
by Public Service Commissioners or to
give information sought.

Railroad officials summoned before
the new commission will have to testify
to answer all questions or be declared
in contempt of the State Court. Pro-
vision of the bill will show the public how base-
less and absurd is the outcry rising
from the Hylan-Hearst camp, the Tam-
many minority is doing all it can to
prevent circulation of copies of the
measure.

The minority persists in its refusal to
give unanimous consent to have 3,000
copies of the bill passed for circulation.
Only a limited number has been struck
off by the printer, and even the law-
makers and press have been unable to
get copies. Tammany may hold up the
printing for a few days by this method,
but the only result can be to postpone
for a short time the date the public gets
the document.

Hundreds of requests are being re-
ceived daily for the bill and not any of
them can be filled for the present.

Gives State the Whiphand.

Here is the language of section 23,
dealing with the authority of the com-
mission in rates and giving the State the
whiphand over all corporations:
"Any change in rate, fare, or charge,
shall be upon terms, conditions, safe-
guards, or readjustments of franchise,
or contract rights, or obligations, as the
commission may prescribe. If it shall
be made to appear to the satisfaction
of the commission that the public in-
terest requires a change of rate" (all of
which are specified in detail) "the com-
mission may authorize a temporary in-
crease or decrease in the rate or fare
pending a final determination of the
rates and charges to be thereafter ob-
served."

The succeeding section definitely fixes
the burden of proof on the corporation.

CRAIG ASKS MILLER FOR DELAY OF YEAR

Comptroller Wants Municipal
Operation Submitted to a
Vote in November.

FAVORS UNIFIED SYSTEM

Reviews Transit Troubles
Back to 1860 in Plea to
Halt Reforms.

In a letter to Gov. Miller Comptroller
Craig last night suggested that action
by the Legislature on the bill embody-
ing the Governor's transit solution
should be deferred for a year and that
the proposal of the Comptroller for
municipal operation be submitted to the
people in the form of a referendum next
autumn. The Comptroller argued there
should be no misunderstanding of the
desires of the people of the city in a
matter so vitally affecting every hour
of their existence.

The Comptroller already has submit-
ted bills to the Legislature providing for
such a referendum and to make it pos-
sible to carry out his idea of municipal
operation of a unified system, which
would include the present dual subway
lines and such surface lines as were
needed to complete an adequate system.

For the division of authority on trans-
it matters, upon which Gov. Miller in
his message laid much of the trouble
here, Comptroller Craig said the Leg-
islature was to blame. He went at length
into the transit history of the city, going
back to the days of Gov. Morgan.

"For more than sixty years," he
said, "as the result of legislative policy
begun in 1860, the people of the city
of New York have been stripped of any
effective voice in regard to their daily
transportation, and there has never been
a time during that period when the
municipal authorities could effectually
provide proper transportation without
first going, but in hand, and procuring
the consent of one or more traction com-
panies, whose rights and existence rest
solely upon an erroneous legislative pol-
icy toward the city of New York."

"Criticism aimed at the action of
the Board of Estimate and Apportion-
ment in regard to transit matters or at
the personnel of such board are without
force when it is considered that that
board, as the duly elected representa-
tives of the people of the city of New
York, has been stripped of any effective

power to deal with the public utility
companies by the Legislature for a
period of sixty years.

"It may be that there are three men
within the city of New York who would
qualify for such a commission as has
been proposed to exercise the functions
of the Board of Estimate and Apportion-
ment in transit matters. If so their
names may be made known and they
have as good an opportunity to be
elected members of that board and ex-
ercise all of the powers which the Leg-
islature may release to it, as any other
men in the city."

The Comptroller argued that the Con-
stitution contemplated city operation of
utilities in the section referring to power
to incur debts for such utilities, where
the phrase is used, "which yields to the
city current net revenue."

Doubt was expressed by the Com-
ptroller that the Legislature had the
power to interfere with the exercise of
ownership by the city of public utilities
"by requiring the City of New York to
lease such properties to private corpora-
tions for operation. Such leasing on the
lines is a part of the Miller plan."

"The very essence of ownership is do-
minion," the Comptroller declared. "Un-
less the City of New York can exercise
dominion over its properties, it may well
be said it has been stripped of its owner-
ship by the Legislature without its con-
sent."

TO TIE UP TROLLEYS IN N. J. JITNEY FIGHT

Workers Threaten Strike if
Paterson Cars Stop.

A threat to call a Statewide strike of
trolley men in New Jersey employed by
the Public Service Railway Company in
case Thomas N. McCarter, the presi-
dent, executes his threat to withdraw
trolley service in Paterson because of
the war with the jitneys, was made
yesterday by William Wegner, head of
the Amalgamated Association of Street
and Electric Employees of New Jersey.

Mr. McCarter issued an ultimatum to
city officials of Paterson at a confer-
ence a few days ago declaring that the
company was operating lines in Paterson
at a loss because of the jitneys. He
said unless the jitneys were taken out
of streets in which Public Service com-
pany tracks were laid Paterson service
would be suspended.

The announcement of Mr. Wegner fol-
lowed a mass meeting of trolley em-
ployees in Newark Friday night. He
said that the issue was whether jitneys
or the trolleys should survive, and that
the "time has come for a showdown." If
the merchants of Paterson thought
the jitneys could carry the traffic he
wanted to give them an opportunity to
prove it. If President McCarter aban-
dons Paterson service a general strike
involving 7,000 members of the
union employed on all divisions of the
company will be taken.

KINGS G.O.P. SENDS APPEAL TO PEOPLE

Continued from First Page.

partly in the Board of Estimate and
Apportionment, partly in a Transit Con-
struction Commissioner, partly in a
Public Service Commissioner and partly
in the United States District Court,
and finally each factor holds a
veto upon all the others.

(c) Whatever of effort has emanated
from other sources has met with only
obstruction before the Board of Esti-
mate and Apportionment.

Governor Takes Best Course.

The Governor could have taken one of
two courses, it is stated—do nothing
and permit the city to drift into further
chaos or rescue the city from impending
ruin. He had faced the problem coura-
geously. Had he done less he would
have been false to himself and to the
people of the city.

After detailing the Governor's pro-
gramme, as outlined in his message and
in the letter to Gen. Oliver B. Brig-
man, the address states:

"When it comes to the detail of work-
ing out such a programme there will
necessarily be marked differences of
opinion among the intelligent and
thoughtful members of this community,
but it is out of just such differences and
just such discussions and such conflicts
of thought that ultimately public senti-
ment will crystallize upon the true,
equitable, fair and correct solution of
this problem. The main purpose at the
moment is to ascertain the facts and
present them; to have a tribunal before
which all parties may be heard, includ-
ing the city; to know that the hearing
does not end in a recommendation, but
ends in a final decision. Taken all in
all, this constitutes the Governor's mes-
sage and the Governor's programme."

After explaining the provisions of the
bill the address continues:

"This is not a law, this is a bill, pre-
sented for your consideration, and upon
which you are invited to attend hearings
and make suggestions. What, then, is the
issue of the hour? Plainly to address
ourselves to the constructive side of this
proposal and join in an effort to carry
to completion the work inaugurated by
our Governor."

"In measuring the value of our Gov-
ernor's recommendations some things must
be borne in mind. These recommenda-
tions do not emanate from a demagogue
nor from a layman. They emanate
from one who has helped to make the
law of this State on this very question
as he sat upon the bench of the Court of
Appeals. The man is speaking with ac-
curacy. The people of the city of New
York are receiving the most competent
legal advice obtainable in this com-
munity."

TRACTION MEASURE UNDER CAREFUL STUDY

County Legislators Name
Committee; Delay Action.

Because they had not had time to
study the bill for carrying out the
plan of Gov. Miller, the county of New
York county members of the Legis-
lature, with Samuel S. Koenig, county
chairman, and various district leaders,
postponed action yesterday. A commit-
tee was appointed to make a careful
study of the measure and report next
Saturday, with such suggestions for
modification as they deem wise.

One amendment sure to be suggested
is the addition of a provision that there
shall be no change in rates prior to a
careful investigation and public hear-
ings.

The committee to study the subject is
composed of Senators William Duggan,
Schuyler, M. Meyer and Ward V. Tol-
bert, and Assemblymen E. R. Rayer,
Noel B. Fox, Sol Ullman and Joseph
Steinberg.

James A. Livingston, Kings county
leader, conferred with State Chairman
George A. Glynn yesterday and said he
had the situation there well in hand. It
is quite probable that certain of the city
legislators will vote against the bill for
reasons peculiar to their individual dis-
tricts. It is well understood, however,
their votes will not be needed to pass
the measure.

PLANS FOR REROUTING BROOKLYN LINE FILED

Boring Under Long Island
Freight Yards Avoided.

Formal approval of plans for the al-
teration of the route of the Bushwick
section of the Fourteenth street-East-
ern rapid transit line, eliminating the
necessity of building under the Bush-
wick avenue or Varick street freight
yards of the Long Island Railroad, were
filed yesterday with the Appellate Di-
vision of the Supreme Court. The spe-
cial commissioners appointed to recon-
sider the route were Theodore L. Froth-
ingham, George W. Chauncey and Theo-
dore G. Christmas. No further delays
in the construction operations are ex-
pected.

The revised routing provides for a
turn under McKibbin street to a point
east of White street, where the line
will emerge to the surface and will
thence pass to Grattan street to Thame
street and thence to the right of way
of the Evergreen branch of the Long
Island Railroad. These tracks will be
used.

A station will be established in the re-
located section at Bogart street, at the
junction of Flushing, Varick and Irving
avenues.

MANY JOIN TO BACK MILLER ON TRANSIT

Well Known Persons Become
Members of Citizens As-
sociation.

Many well known citizens have asso-
ciated themselves with the Citizens
Transit Association being formed to
support Gov. Miller's solution of New
York city's transit problem. A meet-
ing for organization will be called to
order by Gen. Oliver B. Bridgman in
Exhibition Room No. 3 of the Pennsylv-
ania Hotel at 4:30 to-morrow after-
noon.

The first mass meeting of the associa-
tion will be held in the Town Hall on
Thursday evening. The speakers will
be announced later by George H. Bell
of 29 Madison avenue.

Among those who have joined the
movement are:

Frederick H. Allen, Augustus Barnes,
Frank D. Blodgett, Gen. Oliver B. Bridg-
man, E. H. Baldwin, Fred L. Cranford,
John V. Donahue, Guy Emerson, George
Featherstone, Charles A. Flannery, Michael
Glosa, Max S. Griffling, Stanley H.
Le Roy Harkness, Nelson Holland, Stanley
M. Isaacs, Cyrus P. Keen, G. G. Kirchner,
J. Nathan Lomlin, F. W. Lord, Thomas
S. McLaure, Joseph H. Mayer, Lucius Hop-
kins Miller, A. Parker Newlin, Harry
Odel, William Emory Pettit, the Hon. Lewis
H. Pounds, Benno Rosenwald, Oliver S.
Sonnekus, J. Stuenkel, Charles H. Strong,
William J. Tully.

Judson G. Wall, Travis H. Whitney, Fre-
derick Wilson, Peter Zucker, Charles S.
Aronstein, George R. Bartholomew, William
H. Bolton, George E. Brown, M. J. Butler,
James Stewart Cushman, Edmund Dwight,
Moise L. Epstein, Colin M. Ferguson, Louis
Frank, A. N. Gitterman, H. A. Gutinburg,
Stuart Hirschman, Stanley H. Howe, John
H. Ingham.

E. W. Kendrick, W. H. Kauffman, Hon.
Jefferson M. Levy, George McAnany, Wil-
liam Maas, Herman A. Metz, Col. F. A.
Mellor, Newman S. Lang, Albert Oettinger,
Charles Plesner, T. H. Roberts, J. E.
Rowan, Dr. J. Gardner Smith, Fred Steer,
Leslie J. Tompkins, Paul E. Vernon, John
P. Wallace, Le Baron S. Willard, George T.
Wilson.

Julius S. Bachs, George H. Bell, James J.
Bundy, Dr. George W. Brush, Joseph Chou,
R. Fulton Cutting, R. E. Edwards, Grove-
nor Farwell, George A. Fisher, Fred F.
French, Ralph Goddard, Albert E. Gunther,
Jr., Ely A. Harshfield, Charles Buckley Hus-
bell, Nathan S. Jones, H. S. Kent, Kra-
ling, Max H. Lewis, Leo H. McCall, William
F. MacLure, Moore,
William Follows Morgan, William W.
Niles, John W. Paris, James H. Post, Fred-
erick Burgess Robinson, Louis Rubin, E. A.
C. Smith, Frederick A. Stokes, Henry R.
Towne, Royal Victor, George Dudley Wa-
ring, C. H. Wilcox, Mrs. Ada M. Wolff,
George Barr Baker, Harry Bester, Paul J.
Bovett, David Butler,
Saveth D. Conklyn, Thomas C. Desmond,
Edward Edin, L. W. Kragels, Irving H.
Fisher, H. N. Gray, Frank A. Horne, Leo S. Joseph, Ignazio
Kimball, Robert G. Langdon, Merton E.

Lewis, Edward J. McGuire, Alfred E. Mar-
ling,
M. L. Morgenstern, G. E. Northrup, Allan
M. Perry, William H. Rensselaer, Henry
S. Samstag, W. J. Smith, Louis L. Tribus,
Adolf Volker, Alexander M. White, Wil-
liam R. V. Wilcox, John Wynne.



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